

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 57 of 2016

1. Smt Babita Balmiki W/o Shri Chhabilal Balmiki, Aged About 32 Years R/o Gokulganj House 342, Ward No. 07, Motisagar Para Korba, Tahsil And District Korba (Chhattisgarh).....Respondent.

---- Petitioner

Versus

1. Amrika Bai W/o Shri Lakshman Bandhekar, Aged About 52 Years R/o Ward No. 7, Motisagar Para Tahsil And District Korba (Chhattisgarh)
2. Koushalya Chouhan, W/o Pardeshi Chouhan, Aged About 50 Years R/o Ward No. 7, Motisagar Para, Kunj Nagar, Tahsil And District Korba (Chhattisgarh)
3. Zila Nirvachan Adhikari, Korba, District Korba (Chhattisgarh)
4. Maheshwari Chouhan, W/o Shri Kailash Chouhan, Aged About 30 Years R/o Dr. Shyamlal Gali, Sitamani, Korba Tahsil And District Korba (Chhattisgarh).....Petitioner.

---- Respondents

For Petitioner	:	Shri Parag Kotecha, Advocate
For respondent 3/State	:	Shri S.C. Khakharia, Dy. Advocate
General		

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

25/01/2016

1. After arguing for some time on admission, learned counsel for the petitioner submitted that he had not raised the application of Section 16 of the Chhattisgarh Anusuchit Jati, Anusuchit Janjati Aur Anya Pichada Varg (Samajik Prasthithi Ke Pramanikaran ka Viniyaman) Adhiniyam, 2013 (for short 'the Adhiniyam 2013') read with Section 151 of the Code of Civil Procedure, 1908 (for short 'the C.P.C'.) before the Court below as the Election Petition pending is also barred by above provisions of law, by filing the interim application under Order 7 Rule 11 of the C.P.C. Though earlier he had filed an application under Order 7 Rule 11 of the C.P.C., but the petition is barred by law under the provisions of Section 16 of the Adhiniyam 2013 which was not taken as ground for rejection of

the petition as it is barred by law on this point, learned counsel for the petitioner prays that he be given an opportunity to raise the issue before the Court below in an additional interim application under Order 7 Rule 11 of the C.P.C. for the applicability of above provisions with a prayer that the Election Petition is also barred by above provisions of law. He further submits that while deciding the said application appreciation by the trial Court vide order dated 4.1.2016 shall not come in the way.

2. In view of the above, learned counsel for the petitioner prays for withdrawal of the instant writ petition reserving the aforesaid liberty.

3. On due consideration, the instant writ petition is disposed of as withdrawn without any appreciation of its merits reserving the aforesaid liberty granted in favour of the petitioner.

4. The petition is disposed of.

5. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)
Judge